

### **REMARKS**

In the Office Action, claims 4, 5, 7 and 8 were rejected under 35 U.S.C. §103(a) as being unpatentable over Japanese Pat. No. 2001-311470 in view of Sasaki in view of Terai (U.S. Pat. No. 5,322,299) in view of Huang (U.S. Pat. No. 6,670,017) in view of Unno (U.S. Pat. No. 6,876,515).

It is respectfully submitted, and as recognized by the Examiner, that the Sasaki reference fails to disclose that  $L/WO \geq 3$  or that the compression ratio is 13.5% or more. This is because one of ordinary skill in the art would not choose this parameter because of the defects which would normally be expected to be encountered. As described in the "Background Art" section of the specification, with specific reference to page 2 of the specification, it is taught that a cross-sectional shape of a gasket is known to desirably have a ratio of  $Lm/Lp$  of 3 or less to prevent squeeze-out of the gasket and avoid potential problems.

The common thought was that having a ratio of three or more would cause a squeeze-out portion to be formed, which raises a potential problem when the squeeze-out portion comes into contact with a component inside the hard disk box body such as a hard disk drive. Therefore, prior to the present invention, the ratio of a length of a non-bonded portion of a gasket around a cross-section, excluding a portion of the base bonded to the top cover, divided by a bonding width of the base bonded to the top cover would be less than three.

However, by the present invention, as taught by the present specification, the desired ratio of the length of the cross-section divided by the width of the base should actually be greater than or equal to three to achieve the desired result of preventing squeeze-out. Therefore, in view of the comments made by the Examiner that the Sasaki patent fails to disclose such a ratio and in view of the teachings in the specification that the prior art taught away from such a ratio, it would not be obvious to one of ordinary skill in the art to modify the gasket of JP '470 to arrive at the present invention.

In addition, claims 4 and 5 have been amended to specifically further define the configuration of the gasket of the present invention. As shown in Figure 1 of the present invention, all surfaces of the gasket extend transversely to the top cover of a hard disk box body except for the base portion of the gasket which extends parallel to the top cover. As shown in JP '470, the surface 9a extends parallel to the top cover 1 and therefore, is configured differently from the present invention. This specific configuration is defined by the ratio of total cross-sectional length divided by base width to form a ratio of greater than or equal to three.

Further, the gasket extends from the top cover in a direction towards the hard disk box body, but having a height less than a height of the top cover so that the gasket is recessed within the top cover. As shown in Figure 2 of the JP '470 reference, the tip portion 8 of the gasket 6 (height of the gasket  $h_1$ ) extends beyond

the height  $h_2$  of the top cover and therefore, also fails to meet the specific configuration of the gasket of the present invention which has been configured to define the length of the cross section divided by the width of the base portion as being greater than or equal to three which is contrary to the established thinking as described on page 2 of the specification. Previously it was thought that the ratio should be less than three to avoid a squeeze-out portion of the gasket which potentially causes harm to the rotating hard disk drive housed within the hard disk unit.

Therefore, the combination of factors and the desired specific configuration of a gasket for a hard disk unit as described for the present invention and as defined in claims 4 and 5, it distinct from the cited references, cited alone or in combination.

In addition, the relied upon reference to Unno, is not prior art. The U.S. filing date of the Unno patent is July 10, 2003. In contrast, the priority application filing date for the captioned application is September 12, 2002. Accordingly, the Unno patent is not prior art and should not be considered in a rejection of the claims.


In view of the totality of the features claimed and the numerous references relied upon in combination in a rejection of the claims, and the failure to teach the claimed features of the claims, it is respectfully submitted that the claims are patentably distinguished over the art of record.

Based on the foregoing amendments and remarks, it is respectfully submitted that the claims in the present application, as they now stand, are in condition for allowance. A Notice of Allowance is in order, and such favorable action and reconsideration are respectfully requested.

However, if after reviewing the above amendments and remarks, the Examiner has any questions or comments, she is cordially invited to contact the undersigned attorneys.

Respectfully submitted,

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